

**AN ORDINANCE****BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**AN ORDINANCE SUPPLEMENTING THE TERMS AND CONDITIONS CONTAINED IN ORDINANCE NUMBER 05-O-1059 PERTAINING TO THE DESIGNATION OF THE ATLANTA POLICE DEPARTMENT AS THE FEDERAL GRANT PASS THROUGH AGENCY FOR HIGH INTENSITY DRUG TRAFFICKING AREA FUNDS TO FUND MULTIJURISDICTIONAL EFFORTS TO CURTAIL DRUG TRAFFICKING IN THE METROPOLITAN ATLANTA AREA, BY AUTHORIZING THE USE OF \$160,000 FROM THE RACKETEER INFLUENCED CORRUPT ORGANIZATION (RICO) FUNDS WITHIN THE TRUST FUND ACCOUNTS, AND FOR OTHER PURPOSES**

**WHEREAS**, ORDINANCE Number 05-O-1059 anticipated and appropriated \$3,500,000 from the White House Office of National Drug Control Policy to combat drug trafficking in the area, and

**WHEREAS**, the drug task force will require some \$160,000 of funds for operations, which will essentially be used to flash in front of subjects under investigation, to give the impression that undercover operators have large sums of cash to establish credibility during undercover operations, and

**WHEREAS**, the federal grant will not cover the issuance of cash for such purposes, only for documented expenditures related to task force operations, and

**WHEREAS**, RICO guidelines do permit such uses of RICO funds,

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**

**Section one:** that the Atlanta Police Department is hereby authorized to allocate up to \$160,000 from the Trust Fund State and Federal RICO Accounts to augment HIDTA federal funds for cash to be 'flashed by undercover operatives conducting drug trafficking disruption activities.

**Section two:** that the fund/account and center numbers that may be used for this purpose are 3P02 7\*\*\*\*\* X11W02AL9998 and 3P02 7\*\*\*\*\* X11W02AK9999.

**Section three:** that any ORDINANCE or portion of ORDINANCE in conflict with the terms and conditions contained herein, be and are hereby REPEALED.

# ***Legislative White Paper***

**Committee of Purview: Public Safety and Legal Administration**

**Caption AN ORDINANCE SUPPLEMENTING THE TERMS AND CONDITIONS CONTAINED IN ORDINANCE NUMBER 05-O-1059 PERTAINING TO THE DESIGNATION OF THE ATLANTA POLICE DEPARTMENT AS THE FEDERAL GRANT PASS THROUGH AGENCY FOR HIGH INTENSITY DRUG TRAFFICKING AREA FUNDS TO FUND MULTIJURISDICTIONAL EFFORTS TO CURTAIL DRUG TRAFFICKING IN THE METROPOLITAN ATLANTA AREA, AND FOR OTHER PURPOSES**

**Council Meeting Date: September 19, 2005**

**Legislation Title: RICO to supplement HIDTA**

**Requesting Dept.: Police**

**Contract Type: Not Applicable**

**Source Selection: Not applicable**

**Bids/Proposals Due: Not applicable**

**Invitations Issued: Not applicable**

**Number of Bids/ Not applicable**

**Proposals Received: Not applicable**

**Bidders/Proponents: Not applicable**

**Justification Statement: The Atlanta Police Department is now the pass through agency for HIDTA grant funds. HIDTA funds equipment and operating costs for the Drug Trafficking Task Force which operates in the metropolitan Atlanta area. Grant funds may not be used for "Flash" rolls, that is, cash shown by undercover officers to bolster their credibility as monied big time operators. Such "Flash" rolls are essential tools for undercover operatives when working the streets to establish contacts to disrupt drug trafficking. This paper will authorize the Atlanta Police Department to draw RICO funds from the Trust Fund account to provide cash for "Flash" rolls to be used by undercover operatives. As a result, undercover operations will be enhanced and the potential to make more drug cases, thus crippling the illegal drug trade in the area will likewise be enhanced.**

**Background:** Since the inception of the HIDTA program, administered by the White House Office of National Drug Control Policy in 1995, the Georgia Bureau of Investigation has served as the 'pass through' agency, administering the federal grant funds that paid for the operations of a drug trafficking multi-jurisdictional task force that includes the Atlanta Police Department, the Georgia Bureau of Investigation, the DeKalb County Police Department, the Federal Bureau of Investigation, the Georgia State Patrol, the U. S. Drug Enforcement Administration, the Fulton County Police Department, the MARTA Police Department, the U. S. Attorney's Office for the Northern District of Georgia, the Fulton County District Attorney, U. S. Marshal, U. S. Bureau of Alcohol Tobacco, Firearms and Explosives, Internal Revenue Service and U. S. Bureau of Immigration and Customs Enforcement. The task force is organized to disrupt and dismantle drug trafficking organizations. Many of the HIDTA initiatives focus on high crime neighborhoods in the City, thus augmenting existing policing in those communities. The GBI has opted to discontinue its role as the 'pass through' agency and the City has assumed this role in place of the GBI. A key element of undercover drug trafficking disruption is the presence of a 'flash' roll of cash that undercover operatives can flaunt in front of criminal suspects to create the appearance of being big time high rollers. The grant only funds expenditures for the task force, and since the 'flash' role is never actually spent, federal funds may not be used to supply the 'flash' roll. The Atlanta Police Department has identified a need for \$160,000 in 'flash' money to support current HIDTA operations. Since HIDTA regulations forbid use of these funds for such a purpose, the Atlanta Police Department proposes to use state and federal RICO confiscated funds to supply the 'flash' roll. The City Finance Department advised that to augment HIDTA with Trust Fund cash would require Council approval and this paper is intended to assure that approval.

**Fund Account Center:** 3P02 7\*\*\*\*\* X11W02AL9998 and  
3P02 7\*\*\*\*\* X11W02AK9999

**Source of Funds:** Racketeering Influenced Corrupt Organizations (RICO) funds

**Fiscal Impact:** None, 100% grant funded

**Term of Contract:** indefinite

**Method of Cost Recovery:** Not applicable

**Approvals:**

DOF:

DOL:

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